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**Attorneys for Plaintiff
AXA EQUITABLE LIFE INSURANCE COMPANY**

**UNITED STATES DISTRICT COURT OF CALIFORNIA
SOUTHERN DIVISION**

AXA EQUITABLE LIFE INSURANCE COMPANY.

Case No. 3:08-cv-00569-BTM (BLM)

Plaintiff,

V.

H. THOMAS MORAN, II, Court-Appointed Receiver of LYDIA CAPITAL, LLC, and DAWSON & OZANNE, as Trustee of the Alvin Fischbach Irrevocable Trust.

**JOINT MOTION FOR EXTENSION OF
TIME FOR DEFENDANT H. THOMAS
MORAN II TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFF AXA EQUITABLE LIFE
INSURANCE COMPANY'S
COMPLAINT**

Defendants.

Plaintiff, AXA Equitable Life Insurance Company (“AXA Equitable”), and Defendant, H. Thomas Moran II, Court-Appointed Receiver of Lydia Capital, LLC (“Mr. Moran”), hereby submit this Joint Motion for Extension of Time for Defendant H. Thomas Moran II to Answer or Otherwise Respond to Plaintiff’s Complaint, and in support thereof, aver as follow:

1. On March 26, 2008, AXA Equitable filed its Complaint against Mr. Moran and Dawson & Ozanne, as Trustee of the Alvin Fischbach Irrevocable Trust.
 2. On or about March 26, 2008, counsel for Mr. Moran signed a Waiver of Service of

- 1 Summons and agreed to answer or otherwise respond to AXA Equitable's
2 Complaint by May 27, 2008.
- 3 3. On May 1, 2008, counsel for Mr. Moran provided counsel for AXA Equitable with
4 information in his possession relating to the underlying claims.
- 5 4. On May 9, 2008, counsel for AXA Equitable provided counsel for Mr. Moran with
6 information in its possession relating to the underlying claims.
- 7 5. Based on the information exchanged by AXA Equitable and Mr. Moran, AXA Equitable
8 intends to amend its Complaint within the next thirty (30) days.
- 9 6. Furthermore, in order for AXA Equitable and Mr. Moran to further evaluate the
10 underlying claims at issue in light of their exchange of information, AXA
11 Equitable and Mr. Moran respectfully move this Court for an extension of thirty
12 (30) days for Mr. Moran to answer or otherwise reply to AXA Equitable's
13 Complaint.
- 14 7. Neither AXA Equitable nor Mr. Moran have previously moved for an extension of
15 time for Mr. Moran to answer or otherwise respond to AXA Equitable's
16 Complaint.

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1 WHEREFORE, AXA Equitable Life Insurance Company and H. Thomas Moran
 2 II, Court-Appointed Receiver of Lydia Capital, LLC, respectfully request this Court grant
 3 their Joint Motion for Extension of Time for Defendant H. Thomas Moran II to Answer
 4 or Otherwise Respond to Plaintiff's Complaint.

5 Dated: May 23, 2008
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7 /s/ Shannon K. Emmons
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20 Attorneys for Defendant
 21 H. THOMAS MORAN II, Court-
 Appointed Receiver for Lydia Capital, LLC

7 /s/ S. Fey Epling
 8

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